

Filed on behalf of SPEAKWARE, INC.

By: DOVEL & LUNER, LLP

Sean A. Luner

sean@dovel.com

Simon Franzini

simon@dovel.com

201 Santa Monica Blvd., Suite 600

Santa Monica, CA 90401

Telephone: (310) 656-7066

Facsimile: (310) 656-7069

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SPEAKWARE, INC.,
Patent Owner.

Case No. IPR2019-00874
Patent 6,397,186

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
SIMON FRANZINI PURSUANT TO 37 C.F.R. § 42.10**

Pursuant to 37 C.F.R. § 42.10 (c), Patent Owner SpeakWare, Inc. respectfully requests that the Board recognize Mr. Simon Franzini as counsel *pro hac vice* during this proceeding. This motion was authorized by the Board in Paper No. 3 of this proceeding (April 17, 2019 “Notice of Filing Date Accorded to Petition”).

I. Time for Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition.

II. Statement of Facts

The following statement of facts shows that there is good cause for the Board to recognize Mr. Franzini *pro hac vice*.

Mr. Franzini is an experienced litigation attorney and has been involved in numerous patent infringement litigations in District Courts across the country. He has experience in jury trials, *Markman* hearings, Federal Circuit appeals, and International Trade Commission investigations in patent infringement litigation matters.

U.S. Patent 6,397,186 is the subject of a co-pending patent infringement case in the Central District of California (“the co-pending litigation”): *SpeakWare, Inc. v. Microsoft Corporation, et al*, Case No. 8:18-cv-01293-DOC (DFM) (consolidated from five separate cases involving the same patent-in-suit:

SpeakWare, Inc. v. Microsoft Corporation, Case No. 8:18-cv-01293-DOC (DFM); *SpeakWare, Inc. v. Google LLC*, Civil Action No. 8:18-cv-01299-DOC (DFM); *SpeakWare, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, Case No. 8:18-cv-01300-DOC (DFM); *SpeakWare, Inc. v. Apple Inc.*, Case No. 8:18-cv-01302-DOC (DFM); and *SpeakWare, Inc. v. Amazon.com, Inc.*, Case No. 8:18-cv-01303-DOC (DFM)). Mr. Franzini is lead counsel for SpeakWare, Inc. in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Franzini prepared the case-initiating Complaints asserting infringement claims against the five Defendants, prepared SpeakWare's brief opposing Google's Motion to Dismiss on the grounds that U.S. Patent 6,397,186 is not directed to patentable subject matter under 35 U.S.C. § 101, and successfully argued against this Motion to Dismiss. Going forward, Mr. Franzini will also be heavily involved in forming claim construction positions and drafting claim construction briefs in the co-pending litigation. This experience is directly relevant to the issue of unpatentability that is central to Microsoft Corporation's petition requesting *inter partes* review of U.S. Patent 6,397,186.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Franzini as counsel *pro hac vice* during this proceeding.

III. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Simon Franzini.

Respectfully submitted,

Date: May 31, 2019

By: /s/ Sean A. Luner
Sean A. Luner
Registration No. 36,588
sean@dovel.com
DOVEL & LUNER, LLP
Santa Monica, CA 90401
Telephone: (310) 656-7066
Facsimile: (310) 656-7069

Lead Counsel for Patent Owner

**AFFIDAVIT OF MR. SIMON FRANZINI IN SUPPORT OF MOTION FOR
PRO HAC VICE ADMISSION**

Pursuant to 37 C.F.R. § 1.68, I, Simon Franzini, hereby attest that all statements made to my knowledge are true and all statements made on information and belief are believed to be true.

1. I am a member in good standing of the Bar of California, as well as the following Federal Courts:

- (a) U.S. Court of Appeals for the Federal Circuit;
- (b) U.S. District Court for the Eastern District of Texas
- (c) U.S. District Court for the Northern District of California; and
- (d) U.S. District Court for the Central District of California.

2. I have not been suspended or disbarred from practice before any court or administrative body;

3. I have never had an application for admission to practice before any court or administrative body denied;

4. No sanction or contempt citation has been imposed against me by any court or administrative body;

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.